

1 Robert J. Giuffra, Jr. (*pro hac vice*)  
 giuffrar@sullcrom.com  
 2 William B. Monahan (*pro hac vice*)  
 monahanw@sullcrom.com  
 3 Darrell S. Cafasso (*pro hac vice*)  
 cafassod@sullcrom.com  
 4 SULLIVAN & CROMWELL LLP  
 5 125 Broad Street  
 New York, New York 10004  
 6 Telephone: (212) 558-4000  
 Facsimile: (212) 558-3588  
 7

8 Kyle Niemi (SBN 4147849)  
 niemik@sullcrom.com  
 9 SULLIVAN & CROMWELL LLP  
 1870 Embarcadero Road  
 10 Palo Alto, California 94303  
 Telephone: (650) 461-5600  
 11 Facsimile: (650) 461-7700

12 *Counsel for Defendant FCA US LLC*

13  
 14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN FRANCISCO DIVISION**

17 JOSE CHAVEZ, individually  
 and on behalf of all others  
 18 similarly situated,  
 19  
 Plaintiff,  
 20  
 v.

21 FCA US LLC, a Delaware  
 Limited Liability Company;  
 22 ROBERT BOSCH GMBH, a  
 corporation organized under the  
 23 laws of Germany; and ROBERT  
 24 BOSCH LLC, a Delaware  
 Limited Liability Company,  
 25  
 Defendants.  
 26  
 27  
 28

Case No. 3:16-cv-06909-EMC

**STIPULATION AND [PROPOSED]  
 ORDER TO STAY ACTION  
 PENDING DECISION BY THE  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION**

Judge: Honorable Edward M. Chen

1 WHEREAS, on December 1, 2016, plaintiff Jose Chavez filed a  
2 complaint (the “Original Complaint”) against FCA US LLC (“FCA”), Robert  
3 Bosch LLC, and Robert Bosch GmbH (together, “Defendants”);

4 WHEREAS, on December 29, 2016, the parties agreed on a schedule  
5 for the filing of answers, motions to dismiss or other responsive pleadings with  
6 respect to the Original Complaint;

7 WHEREAS, on January 13, 2017, plaintiff Jose Chavez, along with  
8 plaintiffs Benjamin Greenberg, Miguel Fragoso, and Andrew Loescher (together,  
9 “Plaintiffs”), filed an amended complaint (the “Amended Complaint”);<sup>1</sup>

10 WHEREAS, Plaintiffs allege in the Amended Complaint that  
11 Defendants made false representations concerning vehicle emissions and fuel  
12 efficiency concerning model year 2014-2016 Dodge Ram 1500 and model year  
13 2014-2016 Jeep Grand Cherokee vehicles equipped with “EcoDiesel” engines (*see*  
14 Dkt. 31, at 4);

15 WHEREAS, Plaintiffs allege that the vehicles were equipped with a  
16 so-called “defeat device” designed to limit emissions and increase fuel efficiency  
17 in testing conditions (*see id.* at 3);

18 WHEREAS, Plaintiffs purport to bring suit on behalf of a national,  
19 putative class of purchasers and lessees of the Dodge Ram 1500 and the Jeep  
20 Grand Cherokee vehicles with EcoDiesel engines (*see id.* at 50–54);

21 WHEREAS, at least eight other putative class action lawsuits (with  
22 the instant action, the “Actions”) have been filed against FCA and/or Defendants  
23 making similar allegations concerning false representations of fuel efficiency and  
24 vehicle emissions in FCA vehicles with diesel engines that were allegedly  
25

26 <sup>1</sup> By entering into this stipulation, Defendants do not waive, and expressly  
27 preserve, all defenses, including all defenses concerning jurisdiction, service or  
28 otherwise.

1 equipped with “defeat devices,”<sup>2</sup> and additional such suits may be filed in the  
2 future;

3 WHEREAS, plaintiffs in one of the Actions, *Warren v. FCA US LLC*,  
4 No. 17-cv-00059, have filed a motion with the Judicial Panel on Multidistrict  
5 Litigation (“JPML”) requesting Transfer and Centralization of all Related Cases  
6 (and any future-filed “tag-along” actions), including the instant action, for  
7 coordinated or consolidated pretrial proceedings in a multidistrict litigation  
8 (“MDL”; the “MDL Motion”), see *In re Chrysler-Dodge-Jeep EcoDiesel Mktg.*  
9 *Sales Practices, and Prods. Liab. Litig.*, MDL No. Pending (J.P.M.L. filed February  
10 9, 2017) (Dkt. No. 1);

11 WHEREAS, FCA intends to file a brief with the JPML supporting  
12 centralization of the Actions, including the instant action, and any “tag-along” cases  
13 in one district for consolidated pre-trial proceedings;

14 WHEREAS, FCA anticipates that the MDL Motion will be set for the  
15 next JPML Hearing Session on March 30, 2017;

16 WHEREAS, the parties have met and conferred and agree that the  
17 requested stay during the pendency of the MDL Motion would save judicial and  
18 party resources;

19 WHEREAS, if the MDL Motion is withdrawn and no Defendant  
20 thereafter (within two weeks of withdrawal) files its own motion with the JPML  
21 requesting transfer and centralization of all Actions (and any future-filed “tag-  
22 along” actions), including the instant action, for coordinated or consolidated pretrial  
23

24  
25 <sup>2</sup> *Stephens v. FCA US LLC et al.*, No. 17-cv-00040 (M.D. Ala.); *Warren v.*  
26 *FCA US LLC et al.*, No. 17-cv-00059 (N.D. Ala.); *Fasching v. FCA US LLC et al.*,  
27 No. 17-cv-00231 (N.D. Cal.); *Carpenter v. FCA US LLC et al.*, No. 17-cv-00288  
(N.D. Cal.); *Walker v. FCA US LLC et al.*, No. 17-cv-00405 (N.D. Cal.); *Kitchel v.*  
28 *FCA US LLC et al.*, No. 17-cv-00538 (N.D. Cal.); *Sebastian v. FCA US LLC et al.*,  
No. 17-cv-00085 (S.D. Cal.); *Marlatt v. FCA US LLC et al.*, No. 17-cv-00096  
(S.D. Ohio).

1 proceedings in an MDL, the parties agree that the stay of this action should be  
2 immediately lifted; and

3 WHEREAS, should a stay order not be entered in any other related  
4 case, either party may move to lift the stay of this action.

5 NOW, THEREFORE, the parties, by and through their undersigned  
6 attorneys, hereby stipulate and request that the Court enter an Order staying all  
7 proceedings and cancelling any deadlines in this action until further order of the  
8 Court after the JPML has decided whether to centralize the Actions, including the  
9 instant action, in an MDL proceeding.

10  
11 Dated: February 10, 2017

Respectfully and jointly submitted,

12 /s/ Robert J. Giuffra, Jr.

13 Robert J. Giuffra, Jr.

14 giuffrar@sullcrom.com

William B. Monahan

15 monahanw@sullcrom.com

Darrell S. Cafasso

16 cafassod@sullcrom.com

SULLIVAN & CROMWELL LLP

17 125 Broad Street

New York, New York 10004

18 Telephone: (212) 558-4000

Facsimile: (212) 558-3588

19 Kyle Niemi (SBN 4147849)

20 niemik@sullcrom.com

SULLIVAN & CROMWELL LLP

21 1870 Embarcadero Road

Palo Alto, California 94303

22 Telephone: (650) 461-5600

23 Facsimile: (650) 461-7700

24 *Counsel for Defendant FCA US LLC*

1 Dated: February 10, 2017

Respectfully submitted,

2 /s/ Matthew D. Slater (with permission)

3 Matthew D. Slater

4 mslater@cgsh.com

5 CLEARY GOTTLIEB STEEN &  
6 HAMILTON LLP

7 2000 Pennsylvania Avenue, NW

8 Washington, D.C. 20006

9 Telephone: (202) 974-1500

Facsimile: (292) 974-1999

*Counsel for Defendant Robert Bosch  
LLC*

10 Dated: February 10, 2017

Respectfully submitted,

11 /s/ Steve W. Berman (with  
12 permission)

13 Steve W. Berman (*pro hac vice*)

14 steve@hbsslaw.com

15 Jessica M. Thompson (*pro hac vice*)

16 jessicat@hbsslaw.com

17 HAGENS BERMAN SOBOL SHAPIRO  
18 LLP

19 1918 Eighth Avenue, Suite 3300

20 Seattle, WA 98101

21 Telephone: (206) 623-7292

22 Facsimile: (206) 623-0594

23 Shana E. Scarlett (SBN 217895)

24 shanas@hbsslaw.com

25 HAGENS BERMAN SOBOL SHAPIRO  
26 LLP

27 715 Hearst Avenue, Suite 202

28 Berkeley, California 94710

Telephone: (510) 725-3000

Facsimile: (510) 725-3001

Peter B. Fredman (189097)

LAW OFFICE OF PETER FREDMAN PC

125 University Ave, Suite 102

Berkeley, CA 94710

Telephone: (510) 868-2626

Facsimile: (510) 868-2627

peter@peterfredmanlaw.com



Christopher A. Seeger (*pro hac vice to be filed*)

SEEGER WEISS LLP

77 Water Street

New York, NY 10005

Telephone: (212) 584-0700

Facsimile: (212) 584-0799

cseeger@seegerweiss.com

James E. Cecchi

CARELLA, BYRNE, CECCHI,

OLSTEIN BRODY & AGNELLO, P.C.

5 Becker Farm Road

Roseland, NJ 07068

Telephone: (973) 994-1700

Facsimile: (973) 994-1744

jcecchi@carellabyrne.com

Robert C. Hilliard (*pro hac vice to be filed*)

HILLIARD MUNOZ GONZALES LLP

719 S. Shoreline Blvd., Suite 500

Corpus Christi, TX 78401

Telephone: (361) 882-1612

bobh@hmgllawfirm.com

Jeffrey S. Goldenberg

GOLDENBERG SCHNEIDER, L.P.A.

One West Fourth Street, 18th Floor

Cincinnati, Ohio 45202-3604

Telephone: (513) 345-8297

Facsimile: (513) 345-8294

jgoldenberg@gs-legal.com

*Counsel for Plaintiffs*

**ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatories.

Dated: February 10, 2017

SULLIVAN & CROMWELL LLP

/s/ Williams B. Monahan

William B. Monahan

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/15/17

Honorable Edward M. Chen  
UNITED STATES DISTRICT JUDGE